

REMARKS/ARGUMENTS

Claims 1-5, 7-9, 11, 13, 14, 16-18, 20, 21, 23, 24, 26-45 are pending in this application. In the final Office Action mailed July 27, 2004, claims 1-5, 7-9, 11, 13, 14, 16-18, 20, 21, 23, 24, 26-45 were rejected under 35 U.S.C §§ 102(b), 103(a) in view of U.S. Patent No. 6,270,011 to Gottfried (hereinafter referred to as "Gottfried") as applied in the Detailed Action. The Applicant has thoroughly reviewed the outstanding final Office Action including the Examiner's remarks and the references cited therein. Applicant thanks the Examiner for withdrawing the objections to claims 8, 14, 23, 31, and 36. The following remarks are believed to be fully responsive to the Office Action. Claims 1, 3, 9, 23, 27, 31 and 41 have been amended, claim 2 has been cancelled, and claim 46 has been newly added. The Applicant respectfully traverses the rejections as provided in the remarks presented below.

REJECTION UNDER 35 U.S.C. § 102(e)

Claims 1-4, 8, 11, 13, 14, 17, 21, 23, 24, 26, 28, 30-32, 34, 36, 38, 39, 41-44 stand rejected under 35 U.S.C § 102(e) as being anticipated by Gottfried. The Applicant respectfully traverses these rejections.

Each of the independent claim 1, 23, 31, and 41 have been amended. More specifically, claim 1 has been amended so as to recite a method of authorizing purchase transactions over a computer network using an account number, the method comprising, among other features, "transmitting said account number electronically over said network from a consumer location to an on-line merchant location, forwarding said account number electronically over said network from said on-line merchant location to a third party contractor location," and "initiating from said on-line merchant location a request from the consumer location to establish a connection

over said network between said consumer location and said contractor location, said connection bypassing said on-line merchant location.”

Claim 23 has been amended so as to now recite a method of authorizing a purchase to be made over a computer network using an account number, the method comprising, among other features, “receiving said account number electronically transmitted from an on-line merchant location, determining an authentication token type associated with said number,” and “establishing a connection over said network with a consumer location in response to a request from said consumer location, said request being initiated by said on-line merchant location, said connection bypassing said on-line merchant location.”

Claim 31 has been amended to recite a system for authorizing a purchase to be made over a computer network using an account number, the system comprising, among other features, “a computer connected to said network, said computer being configured to receive said account number transmitted from an on-line merchant’s computer, said computer being further configured to establish a connection over said network in response to a request from a consumer’s computer, said request being initiated by said on-line merchant’s computer, said connection being configured so as to bypass said on-line merchant’s computer.”

Similarly, claim 41 has been amended so as to recite a system for authorizing a purchase to be made over a computer network using an account number, the system comprising, among other features, a first computer at a consumer location, a second computer at an on-line merchant location, a third computer at a third party contractor location, “said second computer being configured to forward said number received from said first computer to said third computer, said second computer being further configured to initiate a request from said first computer to

establish a connection over said network between said first computer and said third computer, said connection being configured to bypass said second computer.”

Each of the above mentioned amendments are fully supported by the application as originally filed, for example, at page 13, lines 5-15.

With regard to the Section 102 rejection, the anticipation rejection is proper only if each and every element set forth in the claim is found – i.e., the prior art must teach every aspect of the claim, *see Verdegall Bros. v. Union Oil Co. of California*, 918 F. 2d 628, 631 (Fed. Cir. 1987); *see also* MPEP § 2131.

Gottfried does not show or describe a combination having all of the elements recited in now amended independent claims 1, 23, 31, and 41. More specifically, Gottfried does not show or describe a method of authorizing purchase transactions over a computer network using an account number in which, as now claimed in claim 1, the method includes “initiating from said on-line merchant location a request from the consumer location to establish a connection over said network between said consumer location and said contractor location, said connection bypassing said on-line merchant location.” In addition, Gottfried does not show or disclose a method as claimed in claim 23 in which a method of authorizing a purchase to be made over a computer network includes “establishing a connection over said network with a consumer location in response to a request from said consumer location, said request being initiated by said on-line merchant location, said connection bypassing said on-line merchant location.”

Moreover, Gottfried does not show or describe a system for authorizing a purchase to be made over a computer network using an account number, as claimed in claim 31, in which the system comprises a computer “configured to establish a connection over said network in response to a request from a consumer’s computer, said request being initiated by said on-line

merchant's computer, said connection being configured so as to bypass said on-line merchant's computer." Nor does Gottfried show or describe a system as claimed in claim 41 comprising, a first computer, a second computer and a third computer, "said second computer being further configured to initiate a request from said first computer to establish a connection over said network between said first computer and said third computer, said connection being configured to bypass said second computer."

Instead, Gottfried shows and describes operation of a remote card authentication system in which the "user typically enters credit card information and sends a buy request via PC 50 to the store server 52. The credit card company database is contacted via the Internet through its server 54, and is notified to verify the credit card information for this purchase. . . . [T]he credit card company database sends a request including a one-time token for use in encryption to the user PC 50." See Gottfried, col. 9, lines 2-5. Nowhere is it shown or described in Gottfried where the store server 52 initiates a request from the user PC 50 to establish a connection between the user PC 50 and the credit card company server 54, the connection being configured so as to bypass the store server 52. Because Gottfried fails to show or describe each and every element of the method and system of claims 1, 23, 31 and 41, Gottfried does not anticipate the claimed inventions. Therefore, the Applicant respectfully requests that the rejections under 35 U.S.C. § 102(e), as being anticipated by Gottfried, be removed and claims 1, 23, 31 and 41 be allowed. Claims 2-4, 8, 11, 13, 14, 17, 21, 24, 26, 28, 30, 32, 34, 36, 38, 39, 42-44 depend from independent claim 1, 23, 31 and 41 as provided in the above-provided claim listing, and therefore claim 2-4, 8, 11, 13, 14, 17, 21, 24, 26, 28, 30, 32, 34, 36, 38, 39, 42-44 should be allowed for at least the same reasons.

REJECTIONS UNDER 35 U.S.C. § 103(a):

Claims 5, 7, 9, 16, 18, 20, 27, 29, 33, 35, 37, 40 and 45 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Gottfried. The Applicant respectfully traverses these rejections.

In order to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the references. Second, there must be a reasonable expectation of success. Third, the prior art references must teach or suggest all the claim limitations. See MPEP §2143.01.

As discussed above with regard to the anticipation rejections, Gottfried does not teach or describe a method or system having all the limitations as recited in any of the independent claims 1, 23, 31 or 41 or any of their respective dependent claims. Moreover, there is nothing in Gottfried to teach or suggest modifying Gottfried so as to reach the Applicant's claimed invention. Because Gottfried fails to teach or suggest all the claim limitations of independent claims 1, 23, 31 and 41, and because there is no suggestion to modify Gottfried so as to reach Applicant's invention, an obviousness rejection cannot stand with regard to the independent claims. Claims 5, 7, 9 and 40 depend from independent claim 1; claims 16, 18, and 20 depend from independent claim 41; claims 27, 29 and 45 depend from independent claim 23; and claims 33, 35, 37, depend from independent claim 31. Accordingly, claims 5, 7, 9, 16, 18, 20, 27, 29, 33, 35, 37, 40 and 45 should be allowed for at least the same reasons. Therefore, Applicant respectfully requests that the rejections under 35 U.S.C § 103(a), as being unpatentable over Gottfried be withdrawn.

NEW CLAIMS

Presented for the Examiner's review and consideration is new claim 46. New claim 46 is fully supported by the application as originally filed, for example, page 10, lines 9-17; page 13, lines 19-21; and from page 15, line 13 to page 16, line 9. New claim 46 is believed to be at least patentable over Gottfried because Gottfried does not show or disclose a computer including a database as claimed. Moreover, Gottfried teaches away from such a database, wherein Gottfried states, "In existing credit card security systems, heavy reliance is placed on the possession of the card itself and identification numbers that the user must protect and remember. These identification techniques lead to problems if the card is stolen and the identification number is copied or forgotten." See Gottfried, col. 1, lines 30-32; col. 2, lines 38-39. Accordingly, entry and allowance of claim 46 is respectfully requested.

ATTORNEY DOCKET NO.

The attorney docket number has been amended and should now read as – **58566.1520 --**. Applicant respectfully request entry of the new attorney docket number and reference thereto in all future communications concerning the instant application.

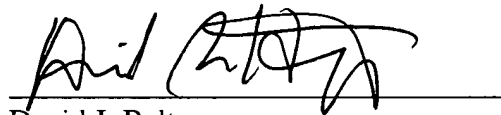
CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action hereby solicited. If it is believed that the application is not in condition for allowance the Examiner is requested to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

A five (5) month extension of time small entity fee in the amount of **\$1,080.00** is believed due in connection with this submission and the RCE, the Petition for Extension of Time being submitted herewith. Should any additional fees be required due for consideration of this response, such fees are hereby authorized to be charged to Deposit Account No. 50-2036.

Respectfully submitted,

BAKER & HOSTETLER LLP

A handwritten signature in black ink, appearing to read "David J. Baltazar", is written over a horizontal line.

David J. Baltazar
Reg. No. 53,964

Date: August 25, 2005
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
Telephone: 202-861-1683
Facsimile: 202-861-1783